

**FILED**

**AUG 30 2001**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

FIELDING McGEHEE, III,  
REBECCA MOORE,  
3553 Eugene Place  
San Diego, CA 92126

**Plaintiffs**

**v.**

**U.S. DEPARTMENT OF JUSTICE,**

**Defendant**

CASE NUMBER 1:01CV01872

JUDGE: John Garrett Penn

DECK TYPE: FOX/Privacy Act

DATE STAMP: 08/30/2001

**ECF**

**COMPLAINT FOR INJUNCTIVE RELIEF**

[Freedom of Information Act, 5 U.S.C. § 552]

**JURISDICTION AND PARTIES**

1. Plaintiffs Fielding McGehee, III ("McGehee"), a journalist, and Rebecca Moore ("Moore"), who is Assistant Professor of Religious Studies at San Diego State University, bring this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended.

2. The plaintiffs are a husband and wife journalistic and academic team who seek information maintained by the Federal Bureau of Investigation ("the FBI"), a component of the United States Department of Justice ("DOJ"), in order to disseminate it to the public.

3. Defendant Department of Justice is an agency of the United States and has possession and control of records requested by plaintiff which are the subject of this action.

CAUSE OF ACTION

4.. By letter dated October 6, 1998, McGehee submitted a FOIA request to FBI Headquarters ("FBIHQ") for lists of the names or persons who died in the Jonestown, Guyana massacre ("Jonestown") which took place on November 18, 1978. See Exhibit 1.

5. By letter dated November 23, 1998, FBI Headquarters advised McGehee that there were 48,738 pages available for release on Jonestown, and that upon payment of \$4,863.80, they would be copied and sent to him. See Exhibit 2.

6. By letter dated May 24, 2000, FBIHQ sent McGehee and Moore 3 compact discs containing 48,738 pages of documents on Jonestown. See Exhibit 3. The FBI asserted various exemption claims for materials it withheld.

7. By letter dated May 30, 2000, plaintiffs appealed the FBI's Exemption 6 claims to the Office of Information and Privacy ("OIP"), U.S. Department of Justice. See Exhibit 4.

8. By letter dated July 2, 2000, McGehee appealed the FBI's Exemption 1 and 7 claims to the OIP. See Exhibit 5.

9. By undated letter, the OIP made a supplemental release of two pages of newspaper clippings but otherwise affirmed the FBI's claims of exemption made pursuant to Exemptions 6, 7(C) and 7(D). See Exhibit 6

10. Plaintiffs have exhausted their administrative remedies.

11. Plaintiffs have a legal right under the FOIA to obtain the information they seek, and there is no legal basis for the FBI's denial of said right.

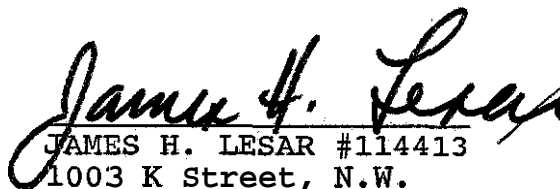
██████, plaintiffs prays that this Court:

(1) ~~order~~ defendant to make the requested information promptly available to them;

(2) award plaintiffs reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a)(4)(E); and

(3) ~~grant~~ such other and further relief as the Court may deem just and proper.

DATED: August 30, 2001



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